

REMARKS

This paper is presented in response to the non-final official action of November 24, 2009, wherein (a) claims 1-19 were pending, (b) a reference submitted with the IDS of November 3, 2008, has not been considered, (c) the abstract of the disclosure was objected to, (d) claims 1-18 were rejected for indefiniteness, (e) claims 1 and 8-19 were rejected as anticipated by Legille, and (f) claims 2-7 were deemed allowable in substance.

By the foregoing, claims 1 and 2 and the abstract of the disclosure have been amended. Claims 1-19 remain pending, with claims 1 and 2 being independent.

Reconsideration of the application, as amended, is solicited.

The issues raised in the action are addressed below in the order in which they appear in the action.

Information Disclosure Statement

Submitted herewith is a completed PTO/SB/08b identifying Legille et al. US 4,525,120, which is an English-language counterpart to JP 57-166472, a copy of which is re-submitted herewith. The requisite fee of \$180 is also submitted herewith.

Entry and consideration of the submitted documents are solicited.

Specification

The abstract has been amended to omit the objected-to phrase "There is provided" and thus the basis for objection has been eliminated. Reconsideration and withdrawal of the objection to the specification is solicited.

Claim Rejections - 35 USC 112

Claim 1 has been amended to supply the definite article between “fixed to” and “circumference” to clarify the claim language. Reconsideration and withdrawal of the indefiniteness rejection is therefore solicited.

Claim Rejections - 35 USC 102

The anticipation rejection of claims 1 and 8-19 based on Legille is respectfully but strongly traversed; reconsideration is requested.

Claim 1, the only rejected independent claim, recites a driving apparatus comprising:

*a driving unit comprising a **crankshaft connected to a motor to rotate with a variable rotational radius;***

a power transmission unit comprising a plurality of connection rods connected to the driving unit to linearly transmit power; and

a working unit connected to the power transmission unit and fixed to the circumference of a distribution chute to rotate or tilt the distribution chute.

The crankshaft (50 in the drawing figures) of the invention rotates around a central line (C1) and its rotational radius varies as a cylinder (74) moves. Thus, the distance between central lines (C1 and C2) changes (see Figure 5). Legille, however, does not disclose any element that corresponds to the crankshaft of the claims, nor did the action identify such an element.

Further, the pivot shaft 48 disclosed by Legille does not correspond to the crankshaft of the invention since the rotational radius of the pivot shaft 48 does not vary. Thus, the center Y' of the pivot shaft 48 lies on an axis O' and its rotational

radius does not change. The rotational radius of the pivot shaft 48 is the distance between the axis O' and the rack 74 (see Figures 1a and 2a of Legille).

As a result, since the applied reference does not show each and every element of the claims, the rejected claims are not anticipated, and the rejection should be withdrawn.

Further, the applied reference provides no teaching or suggestion that would lead a skilled artisan to depart from the reference's teachings to arrive at the presently-claimed invention, so the claims are not obvious in view of the reference.

Allowable Subject Matter

Claim 2 has been rewritten in independent form by incorporating the limitations of claim 1, and each of claims 3-7 depend directly or indirectly from claim 2. In view of the indication of allowability of claims 2-7 and the amendment to claim 2, claims 2-7 are in condition for allowance, and such action is solicited.

Conclusion

For all the foregoing reasons, all claims 1-19 are in condition for allowance, and such action is solicited.

Should the examiner wish to discuss the foregoing or any matter of form in an effort to advance this application toward allowance, he is urged to telephone the undersigned at the indicated number.

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Respectfully submitted,

By 

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